

# P.L. 107.118. Small Business Liability Relief and Brownfields Revitalization Act of January 11, 2002 U. S EPA, Region 5

*Deborah Orr*  
*March 2010*



**Laidlaw, IL**

# Brownfields Definition

---

“.....real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant.”



## Subtitle A. Brownfields Revitalization Funding provides \$200 million a year

---

- Authorizes grants of up to \$350K per site for *assessment*.
- Authorizes grants of up to \$200K per site for eligible entities, including not-for-profits, to *clean up* brownfields\*.
- Authorizes grants of up to \$200K for *job training* to eligible entitles.
- Authorizes grants for up to \$1M for *revolving loan fund* (RLF) program\*.

\*20% cost share

## Subtitle B. Brownfields Liability Clarifications

---

- **Contiguous Property Owner.** Superfund liability relief for innocent persons who own property that is contaminated solely due to a release from a neighboring property, so long as the person did not cause or contribute to the release.
- **Innocent Landowners.** Provides Superfund Liability relief for landowners who had no reason to know of contamination at the time of purchase.
- **Prospective Purchasers and Windfall Liens.** Provides Superfund liability relief for future buyers of facilities who are not responsible for contamination.

# All Appropriate Inquiries

---

- BF law requires EPA to establish the AAI rule.
- AAI effective date is November 1, 2006
- Property buyers who want CERCLA liability protection and eligible entities that use EPA BF funds are affected by AAI.
- More information on AAI can be found at:  
[www.epa.gov.brownfields](http://www.epa.gov.brownfields)

## Subtitle C. State and Tribal Response Programs

---

- Bars Federal enforcement action for sites in State/Tribal cleanup programs in some circumstances.
- Federal re-openers to ensure safety net (State/Tribal requests, endangerment, new information).
- States/Tribes maintains list of sites in response program.
- Provides suggested elements of State/Tribal response programs.
- Can provide NPL deferral of site in State/Tribal Programs.
- States/Tribes are provided up to \$50 million a year to support brownfields programs.

FY 2009 Appropriations budget: Competitive funding is \$241.5 million. EPA anticipates award of approximately 289 cooperative agreements nationally.

---

## **Successful proposals in Region 5 totaled 87**

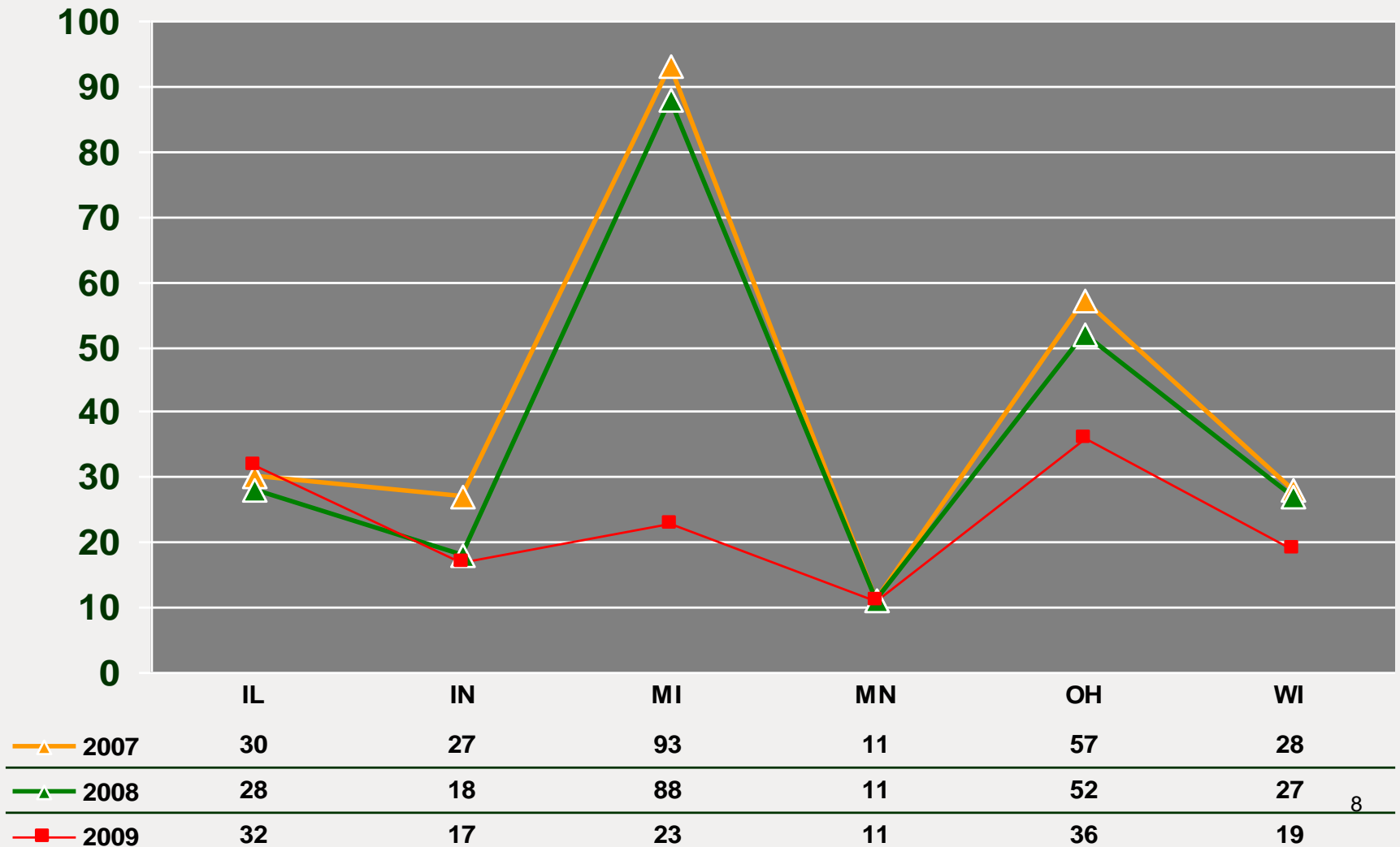
### **State**

- IL - 12
- IN - 7
- MI - 29
- MN - 7
- OH - 21
- WI - 11
- Tribal - 12
- State/Tribal - 18

### **Grant Type**

- Assessment - 50
- Cleanup - 15
- RLF - 15
- Job training - 7

# Number Of R5 BF Proposal By State 2007 - 2009





# Who can apply\*?

---

- General Purpose Unit of Local Government.
- Land Clearance Authority or other quasi-governmental entity.
- Government Entity Created by State Legislature.
- Regional Council or group of General Purpose Units of Local.
- Redevelopment Agency established by the state.
- States and Tribes.

**\*coalitions**

# Office of Brownfields Assistance, Bureau of Land, Illinois EPA

---

- Technical Assistance
- Municipal Brownfields Redevelopment Grant Program
- Targeted Brownfield Assessments
- Illinois Revolving Loan Fund
- Steve Colantino, [Steve.colantino@illinois.gov](mailto:Steve.colantino@illinois.gov),  
Phone: 217-785-3497



# Assessment Success Story: West Allis, WI Wehr Steel – 2009

**Before**



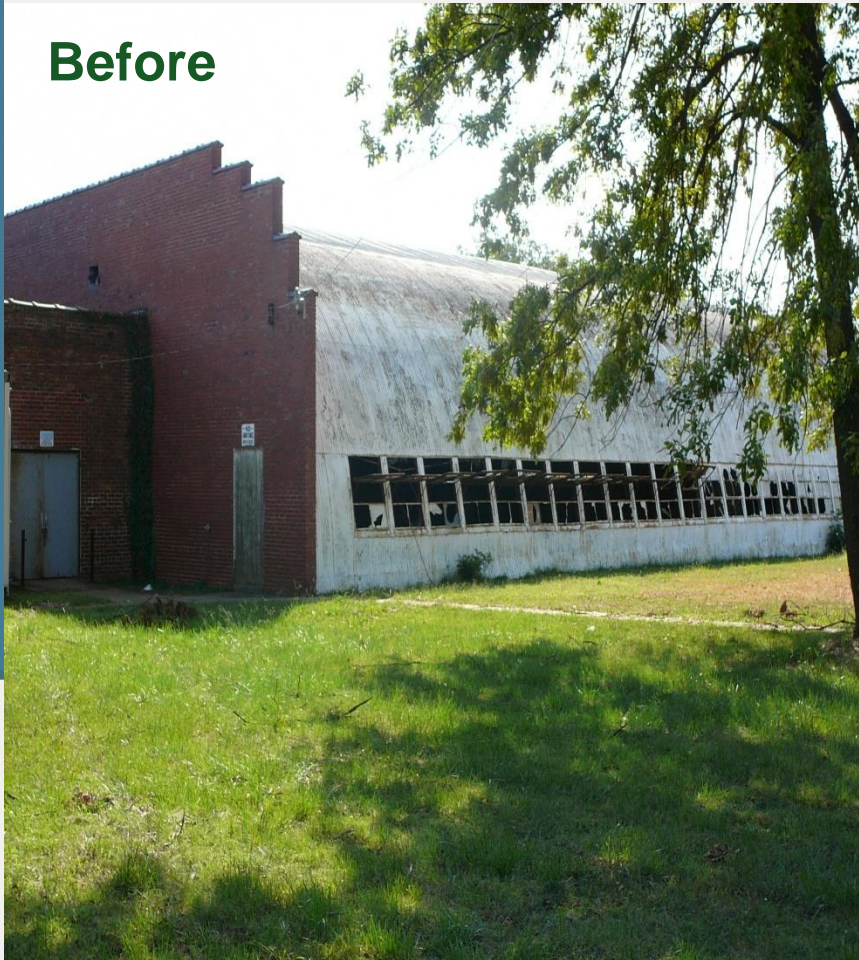
**After**





# Cleanup Success Story: Metropolis, IL Former Laidlaw Facility - 2009

**Before**



**After**



# RLF Success Story: Columbus, Ohio

## Whittier Property - 2009

**Before**



**After**



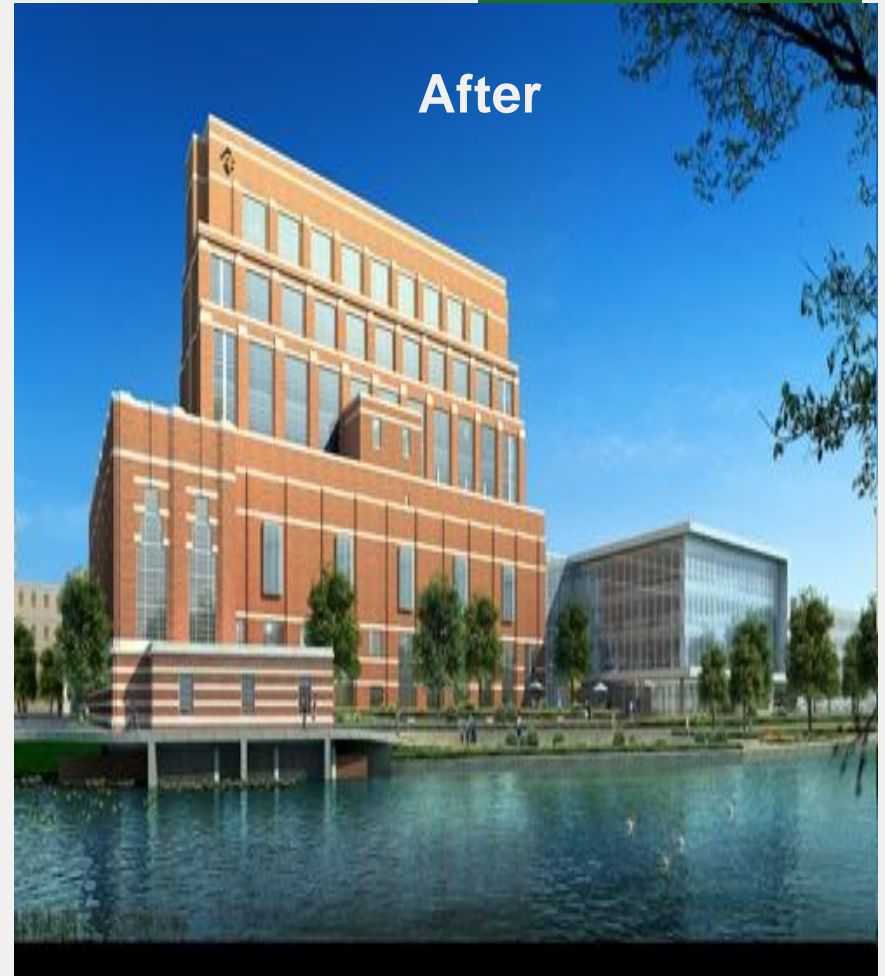
# RLF Success Story: Lansing, MI

## Former Ottawa Street - 2009

Before



After





# TBA Success Story: Ligonier, IN

## Essex Wire - 2009



# Job Training Success Story





# ATSDR's Public Health work and Brownfields Projects

---

- Land Reuse Screening Tool
- Baseline Agency Capacity to Work on Land Reuse/Brownfields
- Community Guidance/Training Programs
  - Nuts and Bolts of PPH and Brownfields
  - Best Practice Sites

# Federal Historic Preservation Tax Credit Program



- Encourages protection of landmark
- Increases the value of the property, returns underutilized structures to the tax rolls
- Upgrades neighborhoods
- Contact Illinois Historic Preservation Agency.

# Brownfields Tax Incentive

---

- Allows environmental cleanup costs to be deducted in the year incurred
- Incentive allows for deduction for petroleum contamination
- Previously filed tax returns can be amended
- Expired December 31, 2009
- Check IRS guidance or consult qualified tax professional

# Environmental Justice and Brownfields

Message from Mathy Stanislaus, OSWER Director, to EPA staff on September 2009:

“Look for opportunities to use cleaned up land for urban gardens and urban agriculture. Disadvantaged communities may be particularly interested in opportunities to become more economically independent.”



# Application Schedule for FY2011 (draft)

---

- Request for Proposal -- August
- Job Training Grant proposals due mid October
- Assessment, Revolving Loan, Cleanup Fund (ARC) proposals -- mid October
- Spring 2012 – Award Announcements
- Fund available before October 1

# Training Opportunities

---

- FY2011 Brownfields Competitive Proposal Guideline Training, TBD
- FY2011 Brownfields Grants Administration Training, TBD
- 2011 National Brownfields Conference, April 3 -5, 2010, Philadelphia PA.



**BIT WEBSITE: <http://tab-bit.org>**

**CLU-IN Training: March 23, 2010, 10:00 a.m. CST**  
**<http://clu.in.org/training/>**

## What Is BIT?

The Brownfield Inventory Tool (BIT) is a **Free**, web-based, comprehensive brownfield program management tool. BIT was designed especially for users working under an Environmental Protection Agency (EPA) cooperative agreement requiring the submittal of a Property Profile Form, but any entity working on establishing a site inventory database will find BIT very helpful. Cities, regional coalitions, and Tribes can also use BIT to consolidate environmental and administrative information from sites in multiple programs.

Users may enter detailed site data, upload documents and data, and generate and export a variety of reports, including the Property Profile Form. BIT can also be used as a collaborative tool where specific inventory data can be accessed by multiple users **IF** permission by the primary user is granted. All information entered into BIT is username/password protected to ensure privacy.

BIT is user-friendly and instructions can be found on every page of the program.

# USEPA Region 5 Brownfields Contacts

---

Deborah Orr

Phone: 312.886.7576

E-mail: [orr.deborah@epa.gov](mailto:orr.deborah@epa.gov)

Webpage: [www.epa.gov/R5Brownfields](http://www.epa.gov/R5Brownfields)

**The FY2011 grant application guidelines  
will be available at**

**[www.epa.gov/brownfields](http://www.epa.gov/brownfields)**

**hopefully by early August.**